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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,966	06/25/2003	Jeffrey H. Bailey	MLE-101US	3733
24314	7590	02/10/2006	EXAMINER	
JANSSON, SHUPE, MUNGER & ANTARAMIAN, LTD 245 MAIN STREET RACINE, WI 53403			CHIN SHUE, ALVIN C	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,966	Applicant(s) BAILEY, JEFFREY H.	
	Examiner Alvin C. Chin-Shue	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-14,20-24,27-31 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-12,14,20-24,27-31 and 48-51 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of “the platform being mounted with respect to itself” is unclear.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,20,21 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inokuchi et al. in view of Abbott. Inokuchi, in figs. 4 and 11, shows the claimed apparatus with the exception of the platform control module. Abbott, in the background of the invention, column 1, lines 11-23) hereafter referred to as Abbott, teaches a platform control module. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the platform of Inokuchi with a platform control module, as taught by Abbott, for controlling the positioning of his platform and vehicle. To provide a second of his winch device 10, as set forth in claim 2 above, to enable dual lifting,

would have been an obvious to one of ordinary skill in the art by the duplication of Inokuchi's teaching.

Claims 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inokuchi and Abbott, as applied to claim 21 above, and further in view of Peterson. Inokuchi shows the claimed apparatus with the exception of the slidably disposed support and jib members. Peterson shows a winch assembly having slidable disposed support and jib members. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the winch assembly of Inokuchi to comprise slidably disposed support and jib members, as taught by Peterson, to enable height and lateral extension adjustment. Furthermore, to attach the winch assemblies on opposite sides of the platform to provide balancing of the platform and to permanently secure the winch assemblies to the platform is removal is not desired, would have been an obvious engineering expediency.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodling in view of Abbott. Woodling shows the claimed apparatus with the exception of the platform control module. Abbott, in the background of the invention, column 1, lines 11-23) hereafter referred to as Abbott, teaches a platform control module. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to provide the platform of Woodling with a platform control module, as taught by Abbott, for controlling the positioning of his platform and vehicle.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wooding and Abbott, as applied to claim 48 above, and further in view of Logan et al. Wooding, as modified above, shows the claimed apparatus with the exception of the claimed removable basket connection. Logan shows a removable connection comprising a horizontal supporting surface 22 for supporting a hooked connection 60,61 thereon. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wooding for his frame 84 to comprise a horizontal supporting surface and for his basket to comprise a hooked portion, in lieu of his connection means 94,96, as taught by Logan, to facilitate removable

Claims 6-8, 28-30 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooding in view of Logan et al, Abbott and Shammout.

Wooding shows the claimed apparatus with the exception of the claimed removable basket connection, control panel, and the material support feet. Logan shows a removable connection comprising a horizontal supporting surface 22 for supporting a hooked connection 60,61 thereon. Abbott teaches a control module. Shammout shows material support feet 34,38; 36,40. It would have been obvious

to one of ordinary skill in the art at the time the invention was made to modify Wooding for his frame 84 to comprise a horizontal supporting surface and for his basket to comprise a hooked portion, in lieu of his connection means 94,96, as taught by Logan, to facilitate removable connection, and to comprise material support feet, as taught by Shammout, for supporting material on his basket.

Claims 9 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooding, Logan and Abbott, as applied above, and further in view of Inokuchi as applied to claim 2 above. Wooding, as modified above, shows the claimed apparatus with the exception of the dual winch assembly. Inokuchi teaches a dual winch assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wooding to comprise a dual winch assembly, as taught by Inokuchi as applied to claim 2 above, for lifting material.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooding, Logan, Abbott and Inokuchi, as applied to claim 9 above and further in view of Peterson as applied above. Furthermore, to attach the winch assemblies on opposite sides of the platform to provide balancing of the platform, would have been an obvious engineering expediency.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inokuchi in view of Shammout as applied above.

Claims 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooding , Logan, Abbott and Inokuchi, as applied above, and further in view of Shammout as applied above.

Claims 6,7,20,28,29,48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sterner in view of Abbott. Sterner shows the claimed apparatus, having horizontal rail 38, with the exception of the platform control module. Abbott, in the background of the invention, column 1, lines 11-23) hereafter referred to as Abbott, teaches a platform control module. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the platform of Sterner with a platform control module, as taught by Abbott, for controlling the positioning of his platform and vehicle.

Claims 8,31 and 51 rejected under 35 U.S.C. 103(a) as being unpatentable over Sterner and Abbott, as applied above, and further in view of Shammout as applied above.

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments with respect to claims 1,2,4,6-12,14,20-24,27-31,48-51 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alvin C. Chin-Shue

Alvin Chin-Shue
Primary Examiner